

### **AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheets" of drawings includes changes to Figures 2, 5, and 7. The attached "Replacement Sheets," which include Figures 1, 2, 5, 7, and 8, replace the original sheets including Figures 1, 2, 5, 7, and 8.

Attachment: Replacement Sheets

## **REMARKS**

Applicants' representative would like to thank Examiner Tanner for the courtesies extended during an interview on May 15, 2006. During the interview, the Examiner clarified the rejections under 35 U.S.C. § 112 and the objection to the drawings. Applicants have amended Claim 50 in accordance with the Examiner's suggestion and have identified support for Claim 49 below.

With regard to the drawings, Applicants' representative identified element 50 of Figures 2, 5, and 7 as being a fan, citing the Specification at Col. 5, Ins. 60-66, and Col. 6, Ins. 2-4 as describing a "forced-air cooling system" associated with a condenser (32). The Examiner agreed that element 50 is a fan or blower but suggested amending at least one of the figures to show the relationship between the fan/blower and the controller. Accordingly, Applicants have amended Figures 2, 5, and 7 in accordance with the Examiner's suggestions.

Claims 2-5, 7-15, 22-24, and 26-54 are now pending in the application. By this Response, Claim 50 has amended. The basis for these amendments can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **DRAWINGS**

The drawings stand objected to under 37 C.F.R. § 1.83(a) for failing to show a variable speed condenser fan. Applicants have amended Figures 2, 5, and 7 in accordance with the Examiner's suggestion and respectfully submit that Figures 2, 5, and 7 are in condition for allowance. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

### **DOUBLE PATENTING**

Claims 48 and 51 stand rejected under the judicially created doctrine of non-statutory obviousness-type double patenting as being unpatentable over Claim 15 of U.S. Patent No. 6,047,557. This rejection is respectfully traversed.

Applicants attach herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c). Accordingly, Applicants respectfully request reconsideration and withdrawal of the double patenting rejection.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 49 and 50 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner states that it is not clear how controlling fan speed or an expansion valve is used for controlling a compressor. Furthermore, the Examiner states that it is not clear which embodiment shows both a compressor and either an expansion valve or fan being controlled by the same signal.

This rejection is respectfully traversed.

Claims 49 and 50 recite additional elements (i.e., an expansion device and variable speed fan, respectively) that are controlled by a variable duty cycle control signal supplied to a compressor. Claims 49 and 50 do not recite that controlling such additional devices has any impact on operation or control of the compressor. Claims 49 and 50 simply recite that additional devices may be controlled by the same variable duty cycle control signal that is used for controlling a compressor. Support for Claim 49 can be found at Col. 4, Ins. 4-12, and Col. 7, Ins. 41-63. Support for Claim 50 can be found at Col. 4, Ins. 12-16.

Claims 49 and 50 are believed to be in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

#### **ALLOWABLE SUBJECT MATTER**

Applicants acknowledge the allowance of Claims 2-5, 7-15, 22-24, and 26-47. Applicants have not rewritten Claims 52-54 in independent form, as Claim 48, from which Claims 52-54 depend, is believed to be in condition for allowance. Because independent Claim 48 is believed to be in condition for allowance, Claims 52-54 are similarly believed to be in condition for allowance.

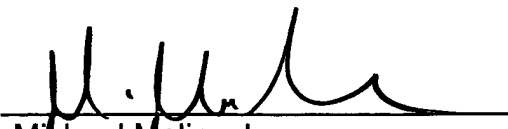
#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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